

REMARKSSTATUS OF THE APPLICATION

The present application was filed July 8, 2004 and included claims 1-26. In response to a previous Office Action, Applicants deleted claims 1-5, amended claims 6, 7, 10, 14, and 23-26 and added new claim 27. In the most recent Office Action dated August 17, 2006, the Office has rejected claims 6-23 and 25-27. In response thereto, Applicant has amended claim 27 and have canceled claim 24. In view of the amendments and the discussion herein below, Applicants believe that the application is now in condition for allowance.

DISCUSSION

~~The Office has rejected claims 27, 6 and 7 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,279,710 ('710) to Coughlin in view of U.S. Published Patent Application No. 2004/0248005 ('005) to Ovshinsky, et al.~~

The Office has also rejected claims 8-12, 14-22, 25 and 26 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,279,710 ('710) to Coughlin in view of U.S. Patent No. 6,447,942 ('942) to Ovshinsky et al.

Finally, the Office has rejected claim 13 under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 4,279,710 ('710) to Coughlin in view of U.S. Published Patent Application No. 2003/0059664 ('664) to Menjak, et al.

The 35 U.S.C. 103(a) Rejections

The Office has rejected claims 6-23 and 25-27 under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 4,279,710 ('710) to Coughlin in view of a number of other references. The Office has not rejected claim 24.

Applicants have amended claim 27 to include the limitations of allowable claim 24 and further to indicate that the shared electrolyte is an alkaline electrolyte. The '710 reference does not teach or suggest the sharing of electrolyte between the electrocatalytic cell and the fuel cell. In fact the two cells in the '710 reference use different electrolytes. The electrocatalytic cell of the '710 reference uses an acid electrolyte, while the fuel cell uses an alkaline electrolyte. Clearly the '710 reference does not teach or suggest the sharing of electrolyte, because to do so would destroy both electrolytes. Further none of the cited secondary reference teaches or suggests that the device of the '710 reference should be modified to share electrolyte between the between the electrocatalytic cell and the fuel cell. Therefore, the rejections under 35 U.S.C. 103(a) are no longer tenable and as such withdrawal thereof and early allowance of the present claims is requested.

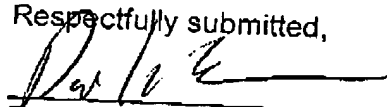
CONCLUSION

In view of the amendment of claim 27, the cancellation of claim 24, and the discussion herein above, Applicants believe that the application is now in condition for allowance.

Should the Examiner have any comments or suggestions which would place the instant application in better condition for allowance, he is earnestly requested to contact the undersigned.

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Respectfully submitted,


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